

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Fox River Valley Ethanol, LLC
4995 State Road 91
Oshkosh, Wisconsin 54904**

ATTENTION:

**Arend Gibson
Plant Manager
agibson@frvethanol.com**

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Fox River Valley Ethanol, LLC (Fox River or you) to submit certain information about the facilities located at 4995 State Road 91, Oshkosh, and 6574 State Road 44, Pickett, Wisconsin, respectively. Both facilities will be collectively referred as “the facility” for the purpose of this request. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us according to the schedule in Appendix B.

We are issuing this information request under *Section 114(a)* of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, Region 5.

Fox River owns and operates an emission source at the Oshkosh and Pickett, Wisconsin facilities. We are requesting this information to determine whether your emission source is complying with the Wisconsin State Implementation Plan.

At this time, EPA Region 5 is not accepting any hard-copy document deliveries. Fox River must send all required information by electronic mail to r5ardreporting@epa.gov and patel.manojkumar@epa.gov. If you are unable to make your submission to these addresses due to email size restrictions, if you intend to assert a claim of business confidentiality for any of the information responsive to this request as explained below, or if there are other problems, use these email addresses to make additional arrangements to send any required information.

Fox River must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term “emissions data.”

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Fox River to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Manojkumar P. Patel at (312) 353-3565 or by e-mail at patel.manojkumar@epa.gov.

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2020.12.07
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Michael D. Harris
Division Director
Enforcement and Compliance Assurance
Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission through electronic mail to the addresses provided above.
4. Provide a table of contents of all electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question.
5. Do not submit any documents you intend to claim as Confidential Business Information (CBI) through email. If you intend to claim any portion of your response to this request as CBI, please contact r5ardreporting@epa.gov and Patel.Manojkumar@epa.gov to make other arrangements for submission of this information.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, the Standards of Performance for Equipment Leaks of Volatile Organic Compounds (VOC) in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 at 40 C.F.R. Part 60, Subpart Vva, and the Wisconsin State Implementation Plan.

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

Appendix B

Information You Are Required to Submit to EPA

Fox River Valley Ethanol, LLC (Fox River) must submit the following information requested for its Oshkosh and Pickett facilities, Wisconsin, pursuant to Section 114 of the Clean Air Act (CAA or the Act), 42 U.S.C. § 7414, within thirty (30) calendar days from receipt of this letter for Request 1 through 12, and in accordance with the schedule specified therein for requests 13 and 14. Provide the following information from the January 1, 2016 to the date you receive this request.

1. Provide all documents that relate to the total denatured ethanol and fuel grade ethanol production (200 proof) at the facility in terms of million gallons per month and million gallons per year, from the period January 1, 2016 to the date of this request.
2. Provide all documents that relate to the total Dry Distillers Grain (DDG) production at the facility in terms of dry feed or dry feed equivalent in tons per month and tons per year, from the period January 1, 2016 to the date of this request.
3. Provide all documents that relate to the total natural gas usage by the facility in million cubic feet per month and million cubic feet per year, from the period January 1, 2016 to the date of this request.
4. Provide the any annual emissions reported to the Wisconsin Department of Natural Resources (WDNR) for the facility, for the 2016, 2017, 2018, and 2019. Provide the method for the annual emissions calculations, including the basis of any emissions factors used, and a copy of the reports. This should include all pollutants reported to the WDNR.
5. Provide map(s) or drawing(s), identifying all air emissions sources (including identification number) and associated processes at the facility, including, but not limited to: grain receiving and handling operation, corn storage bins, hammer mills, fermentation process, regenerative thermal oxidizer (RTO), distillation process, dryers (feed dryers and feed cooling drum), DDG, wet Distillers Grain (WDG), handling and storage operations, ethanol loading system, scrubbers, baghouses, and all associated storage tanks.
6. Provide a list and copies of each stack test conducted on any emissions unit for any reason at the facility, for the period from January 1, 2016 to the date of this request. Include all test runs, even if a full test series was not completed. In the response, clearly identify the emissions unit; and specify the date of the test and test method(s) used. Emissions testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Also provide a copy of any document, including but not limited to any report, that relates to any emissions test that meets the above criteria. Indicate whether such document was shared with the local and/or state permitting agency. A copy of the summary pages from each report is not sufficient. Provide copies of the entire document. Provide all calculations related to the stack test, and provide copies of the full test report, including the section describing the process parameters and

production or processing rates at the time of the test. Also, provide copies of any reports of visible emission observations conducted during each test. For each test during which the source was not operating at maximum design capacity, provide an explanation why production was limited.

7. Provide the following information for the fermentation process at the facility:
 - (a) A process flow diagram;
 - (b) Specifications of each type of component used on the top of fermenters and beer well. This can include specification sheets, operating manuals, as-built drawings and design information for the component including, but not limited to, pressure relief valve, conservation vents, vacuum breakers, agitators, manways and latches; and
 - (c) Pressure (psig) inside fermenters.
8. Provide the following information for each scrubber (Control C40, Stack S40; Control C50 and Stack S50) at the facility, from the January 1, 2016 to the date you receive this request:
 - (a) Copies of manufacturer's technical specifications (as built and/or design drawings) and any supplemental components, including a pre-condenser. Indicate the types of scrubber packing used (random or structured) and frequency of replacement. Specifications must include a diagram of the entire unit;
 - (b) If different from the manufacturer specifications or not included in the manufacturer specifications, provide documents related to the capacity, recommended operating and maintenance procedures for the scrubber;
 - (c) Capacity of scrubber blower in horsepower and acfm;
 - (d) Scrubber water flow rate (hourly average);
 - (e) Scrubber water outlet temperature (⁰F, hourly average);
 - (f) Scrubber exhaust gas outlet temperature (⁰F, hourly average);
 - (g) Type and usage rate of scrubbing additive for control of acetaldehyde (gallons per day);
 - (h) The operating differential pressure across the packed bed and demister section of the scrubber (hourly average);
 - (i) The monitoring system high and low alarm settings for scrubber differential pressure;
 - (j) Any permit deviation reports, including start-up, shut-down, and malfunction reports including calculations used to estimate mass of material released;
 - (k) Document steps taken to clean scrubber packing and frequency of cleanings;
 - (l) Inspection, maintenance, and repair logs/reports, including any deviation/malfunction reports; and
 - (m) Documents related to any period during which the unit(s) that is normally controlled by the fermentation scrubber was in operation or was malfunctioning. Detail where fermenter/beer well emissions are routed when the scrubber is offline and the emissions are accounted for.

9. Provide the following information for the flare at the Facility. Where applicable, provide the information from the period January 1, 2016 to the date of this request:
- (a) Destruction efficiency documents;
 - (b) Manufacturer's specifications (this may include specification sheets, operating manuals, as-built drawings and design information) including recommended operating and maintenance procedures. Specifications must include a diagram of the entire unit;
 - (c) Daily records of the dates and amount of ethanol loaded;
 - (d) Records of inspection, maintenance and repair logs for the flare system;
 - (e) Monthly and annual records of the emissions of VOC and HAP from the loading racks, with supporting calculations;
 - (f) Types of product that are loaded and frequency;
 - (g) Records of presence of the pilot flame;
 - (h) Records for each event when ethanol loadout continued when associated flare was not operating properly, including the following:
 - i. Date, time and duration;
 - ii. Description of event;
 - iii. Estimated amount of ethanol loaded until the situation was corrected or loadout ceased;
 - iv. Correction action(s) taken; and
 - v. Actions taken to prevent or reduce the likelihood of future occurrences.
 - (i) Any excess visible emission reports;
 - (j) All loadout leaking vapor inspection reports.
10. For the Facility's leak detection and repair program, provide the following:
- (a) A copy of the initial semiannual report submitted pursuant to 40 C.F.R. § 60.487(b);
 - (b) Copies of semiannual reports submitted pursuant to 40 C.F.R. § 60.487(c) for the period January 1, 2016 to the date of this request;
 - (c) Copies of monthly visual inspections for each pump in light liquid service conducted pursuant to 40 C.F.R. § 60.482-2(a)(1);
 - (d) Copies of weekly visual inspections for each pump in light liquid service conducted pursuant to 40 C.F.R. § 60.482-2(a)(2); and
 - (e) Logs and/or electronic data of leaking components, if not already provided in response to Request #10.c. and Request #10.d. above.
11. Provide documenters related to whether the facility is subject to 40 C.F.R. 60, Subpart Kb, NSPS for Volatile Organic Liquid, including but not limited to specifications of all tanks loading devices, roofs, and seals. Provide records of all annual inspections and any other documents related to such inspections.
12. Provide the following information for the Distillers Grain with Soluble (DGS) Ring Dryer (Process P10) with RTO at the Facility. Where applicable, provide the information from the period January 1, 2016 to the date of this request:

- (a) Manufacturer's specifications, including recommended operating and maintenance procedures. Specifications must include a diagram of the entire unit and any filters or particulate capture systems the unit utilizes to prevent particulate build up. If filters are a part of the Facility's RTO, provide a date (DD/MM/YYYY) and description of any issues the facility has had with the internal filters;
 - (b) A copy of the "standard operating procedures" (SOP) that addresses normal startup and shutdown, Oxidizer burnout, and the transition to/from normal operation of each dryer/process. If already provided to EPA, please indicate the date(s) (MM/DD/YYYY) the SOP was provided;
 - (c) The date(s) (MM/DD/YYYY) when Fox River Valley Ethanol conducted a valid volatile organic compounds (VOC) compliance stack test on the Facility's Oxidizer, where it continuously measured the temperature (⁰F) and recorded the 1-hour average temperature (⁰F). Provide a recorded value of temperature in ⁰F during the initial VOC compliance stack test.
 - (d) An electronic Excel compatible workbook listing records of temperature in ⁰F continuously (at least every 15 minutes) and any and all events where the 1-hour average temperature at the thermal oxidizer system were below the temperature derived from the initial VOC compliance stack test, reported in Request #12.C. above. Provide the start and finish date and time of all events in the separate column of the Excel compatible workbook along with the cause of events and corrective action or steps Fox River Valley Ethanol has taken to correct the situation.
 - (e) Any deviation reports, including startup, shutdown, and malfunction;
 - (f) Records of and any other documents related to calibration of temperature monitoring device; and
 - (g) For process units controlled by the RTO, detail where the emissions are routed when the RTO is offline. Detail how often does this happens, the length of time, and how the emissions are accounted for.
13. Submit an emission test protocol, conduct emission testing, and submit all other information requested within the schedules provided below for the Oshkosh Facility.
- (a) Within 30 days of receipt of this request, submit to EPA for approval a proposed emission testing protocol to measure VOC emissions from the Process P57 Ethanol Recovery Unit Condenser, Fermentations and Related Processes, Process P43 – Beer Well, Processes P44A-K – Fermenters #1 through #11, Process P41 – Yeast Tank, and Process P42 – Yeast tank #2 and associated scrubbers C40 and C40B and its exhaust stack S40. This emission testing must be conducted in accordance with U.S. EPA Methods 1 through 4 and Methods 25 or 25A (40 C.F.R. Part 60, Appendix A. The emission test protocol must specify the following:
 - i. All VOC emissions from the subject process operations must be routed to scrubbers during the test;

- ii. Conduct three sampling runs at each emission unit. Each run must be at least one hour long; and
- iii. Conduct testing at representative (normal) conditions, defined above.

In the emission protocol, identify the maximum capacity/throughput that would result in the highest levels of emissions, state whether or not operating at this level would create an unsafe condition, and state whether the facility expects to operate at that level at least some of the time. Include the maximum capacity/throughput that Fox River plans to achieve during the test. If Fox River does not plan to operate at the maximum capacity/throughput, provide an explanation as to why the expected capacity/throughput meets the definition of representative (normal) conditions. Provide any supporting information including but not limited to documents.

- (b) Within 65 days of your receipt of this request, complete the emission tests in accordance with the approved testing protocols submitted per Request 13.a. In advance of the tests, Fox River must obtain approval from EPA on the testing and make any adjustments to the protocols required by EPA.
- (c) At least 15 days prior to the planned emission test(s) under this request, submit notification to EPA via email (patel.manojkumar@epa.gov and R5airenforcement@epa.gov) and to WDNR of the intent to perform emission testing.
- (d) Between the date of this request and the date of the emission test(s) required above, Fox River may only perform routine maintenance on the Scrubbers. Any maintenance that is performed must be documented in the stack test report required in item 13.e (below); and
- (e) Within 30 days after completion of the emission tests, submit a complete report of the emission test(s), including the following, at a minimum:
 - i. Summary of Results
 - 1. Results of the above specified emission tests (in parts per million, pounds per hour, etc.);
 - 2. Results of the VOC emissions removal efficiency (in percentage);
 - 3. Process and control equipment data related to determining compliance;
 - 4. Discussion of any test errors;
 - 5. Discussion of any deviations from the reference test methods; and
 - 6. Production data.
 - ii. Facility Operations
 - 1. Description of the operation process;

2. Operating parameters of the process at the time of the test, including but not limited to fermenters fill positions, pressure drop across the scrubber, the liquid flow rate in gallons per minute across the scrubber, and the scrubber liquid pH; and
3. Facility operating parameters that demonstrate that the Facility was being operated at representative (normal) conditions.

iii. Sampling and Analytical Procedures

1. Sampling port location(s) and dimensions of cross-sections;
2. Sampling point description, including labeling system;
3. Brief description of sampling procedures, including equipment and any diagrams;
4. Description of sampling procedures (planned and accidental) that deviated from any standard methods;
5. Brief description of analytical procedures, including calibration;
6. Description of analytical procedures (planned or accidental) that deviated from any standard method; and
7. Quality control/ quality assurance procedures, tests, and results.

iv. Appendix

1. Complete results with example calculations;
2. Raw field data (original, not computer printouts);
3. Laboratory report, with signed chain-of-custody forms;
4. Calibration procedures and results;
5. Raw process and control equipment data, signed by plant representative;
6. Test log(s);
7. Project participants and titles; and
8. Related correspondence.

14. Submit an emission test protocol, conduct emission testing, and submit all other information requested within the schedules provided below for the Pickett Facility.

- (a) Within 30 days of receipt of this request, submit to EPA for approval a proposed emission testing protocol to measure VOC emissions from the Process P10 Distillers Grain (with Soluble, DGS) Ring Dryer with RTO, C10, its exhaust stack S10. This emission testing must be conducted in accordance with U.S. EPA Methods 1 through 4 and Methods 25, 25A, or 25B (40 C.F.R. Part 60, Appendix A.) The emission test protocol must specify the following:

- i. All VOC emissions from the subject process operations must be routed to RTO during the test;

- ii. The feed air for the ring dryer burner must be configured to use heated air from the fluid bed cooler exhaust (at least 85% of the total fluid bed cooler air flow or 89% average).
- iii. Conduct three sampling runs at each emission unit. Each run must be at least one hour long; and
- iv. Conduct testing at representative (normal) conditions, defined above.

In the emission protocol, identify the maximum capacity/throughput that would result in the highest levels of emissions, state whether or not operating at this level would create an unsafe condition, and state whether the facility expects to operate at that level at least some of the time. Include the maximum capacity/throughput that Fox River plans to achieve during the test. If Fox River does not plan to operate at the maximum capacity/throughput, provide an explanation as to why the expected capacity/throughput meets the definition of representative (normal) conditions. Provide any supporting information.

- (b) Within 65 days of your receipt of this request, complete the emission tests in accordance with the approved testing protocols submitted per Request 14.a. In advance of the tests, Fox River must obtain approval from EPA on the testing and make any adjustments to the protocols required by EPA.
- (c) At least 15 days prior to the planned emission test(s) under this request, submit notification to EPA via email (patel.manojkumar@epa.gov and R5airenforcement@epa.gov) and to WDNR of the intent to perform emission testing.
- (d) Between the date of this request and the date of the emission test(s) required above, Fox River may only perform routine maintenance on the Scrubbers. Any maintenance that is performed must be documented in the stack test report required in item 14.e (below); and
- (e) Within 30 days after completion of the emission tests, submit a complete report of the emission test(s), including the following, at a minimum:
 - i. Summary of Results
 - 7. Results of the above specified emission tests (in parts per million, pounds per hour, etc.);
 - 8. Results of the VOC emissions removal efficiency (in percentage);
 - 9. Process and control equipment data related to determining compliance;
 - 10. Discussion of any test errors;
 - 11. Discussion of any deviations from the reference test methods; and
 - 12. Production data.

ii. Facility Operations

1. Description of the operation process;
2. Operating parameters of the process at the time of the test, including but not limited to ring dryer heat input in MMBtu/hr, RTO heat input in MMBtu/hr, DGS lbs/hour, RTO operating temperature; and
3. Facility operating parameters that demonstrate that the Facility was being operated at representative (normal) conditions.

iii. Sampling and Analytical Procedures

1. Sampling port location(s) and dimensions of cross-sections;
2. Sampling point description, including labeling system;
3. Brief description of sampling procedures, including equipment and any diagrams;
4. Description of sampling procedures (planned and accidental) that deviated from any standard methods;
5. Brief description of analytical procedures, including calibration;
6. Description of analytical procedures (planned or accidental) that deviated from any standard method; and
7. Quality control/ quality assurance procedures, tests, and results.

iv. Appendix

1. Complete results with example calculations;
2. Raw field data (original, not computer printouts);
3. Laboratory report, with signed chain-of-custody forms;
4. Calibration procedures and results;
5. Raw process and control equipment data, signed by plant representative;
6. Test log(s);
7. Project participants and titles; and
8. Related correspondence.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information Is Entitled to Confidential Treatment

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may send you a letter asking that you support your CBI claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
7. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent

allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.